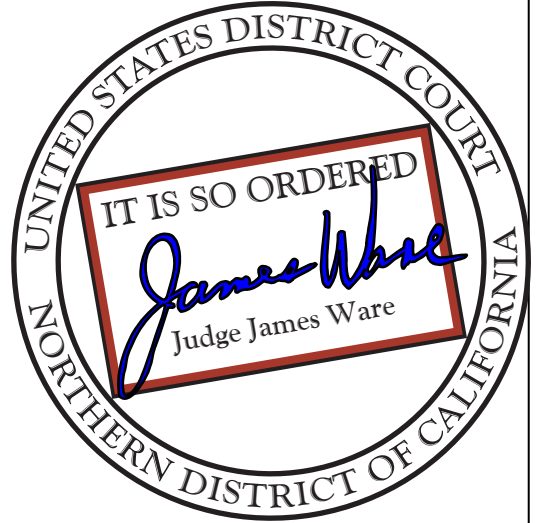


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Attorneys for Thomas Dillon, as Court-  
Appointed Receiver for Vesta Strategies, LLC  
and Excalibur 1031 Group LLC



**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

UNITED STATES FIRE INSURANCE  
COMPANY, a corporation,

Plaintiff,

vs.

VESTA STRATEGIES, LLC, a limited  
liability company; SAMUEL W. HENKA, an  
individual,

Defendants.

**Case No.: C 09-02388 JW**

**JOINT STIPULATION TO MODIFY  
ORDER (DOCKET NO. 245) RE:  
DEPOSING INCARCERATED INMATE  
JOHN TERZAKIS**

THOMAS DILLON, as Receiver for Vesta  
Strategies, LLC

Counter-Claimant,

vs.

UNITED STATES FIRE INSURANCE  
COMPANY, a corporation.

Counter-Defendant.

WHEREAS, in Civil Case No. 09-2388-JW, Counter-Claimant Thomas Dillon, the Court-  
Appointed Receiver for Vesta Strategies, LLC ("the Receiver"), filed a motion requesting to  
depose John Terzakis ("Terzakis"), an incarcerated deponent; (Docket No. 236);

1 WHEREAS, Judge Grewal issued an Order granting the Receiver's motion (Docket No.  
2 245), giving September 16, 2011 as the deadline in which to depose Terzakis ("the Docket No.  
3 245 Order");

4 WHEREAS, discovery has not yet been initiated in *Dillon v. Continental Casualty*  
5 *Insurance* ("CNA"), Case No. 10-cv-5238-JW, and the deposition of Terzakis is equally  
6 applicable to that action, so keeping the September 16, 2011 deposition deadline for Terzakis  
7 would prejudice CNA as they will not be able to depose Terzakis by that date;

8 WHEREAS, counsel for U.S. Fire and the Receiver have scheduled depositions in the  
9 U.S. Fire case from September 13, 2011 to September 22, 2011 in order to comply with a  
10 Mediation Agreement between the Receiver and a third-party who is a potential defendant to a  
11 claim by the Receiver, which require them to travel to Chicago and Los Angeles, so they are  
12 unable to set a deposition of Terzakis during that time;

13 NOW THEREFORE, pursuant to Civil L.R. 6-2 (a), the parties REQUEST and  
14 STIPULATE THAT the Docket No. 245 Order should be modified to extend the Terzakis  
15 deposition deadline date to December 30, 2011.

16 DATED: September 16, 2011

BULLIVANT HOUSER BAILEY PC

17 By /s/ Andrew B. Downs (by e-mail auth.)  
18 Andrew B. Downs, SBN 111435  
19 Norman J. Ronneberg, Jr., SBN 68233

20 Attorneys for Plaintiff and Counter-Defendant  
21 United States Fire Insurance Company

22 DATED: September 16, 2011

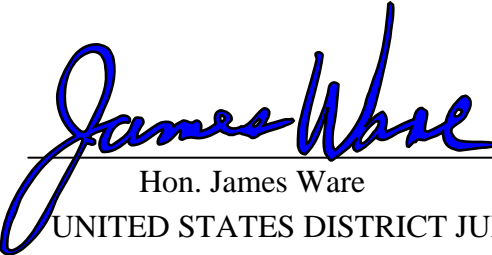
HOLLISTER & BRACE

23 By /s/ Robert L. Brace  
24 Robert L. Brace, SBN 122240  
25 Peter L. Candy, SBN 149976

26 Attorneys for Counter-Defendant Thomas  
27 Dillon as Receiver for Vesta Strategies, LLC  
28 and Excalibur 1031 Group, LLC

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED** that the parties are authorized  
2 to depose John Terzakis, an incarcerated deponent, and should complete his deposition by  
3 December 30, 2011.

4  
5 Dated: September 20, 2011

6  
7   
8 Hon. James Ware  
9 UNITED STATES DISTRICT JUDGE